



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,010	07/18/2003	Daniel Plastina	MS#303012.01 (5055)	4615
321 7590 06/06/2007 SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			EXAMINER THERIAULT, STEVEN B	
			ART UNIT 2179	PAPER NUMBER
			NOTIFICATION DATE 06/06/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/623,010

Applicant(s)

PLASTINA ET AL.

Examiner

Steven B. Theriault

Art Unit

2179

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


WEILUN LO

SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The applicant's request for reconsideration has been carefully reviewed and is not persuasive for the following reasons: The examiner refers to MPEP 2123 that states that an entire reference cited is considered relevant to the rejection and not just the cited sections. In regard to claim 1, Applicant argues that the prior art of Chasen does not teach the limitation of "parsing the first property data included in the first metadata field; identifying a property delimiter included in the first property data in the first metadata field " and that the Examiner fails to provide full weight to the limitations of the claims. First, it is noted that a new examiner has been assigned to the case. Second, the previous Examiner provided in the rejection that a Dirty or Clean flag or delimiter is identified when the master tree is traversed (See rejection page 3). The applicant's arguments are noted that on the surface or in exact wording Chasen does not appear to teach that the Clean and Dirty states are used as delimiters. However, when taking the entire reference as a whole, Chasen clearly teaches a metadata management system that allows the user to manipulate various fields that contain metadata relating to a media file (See column 3, lines 40-67). Chasen also teaches a metadata database that includes information about a given file that can include information about the file size, time last played, create time, and flags and other information. Therefore, Chasen teaches the metadata database contains flag information. Chasen also teaches a tree database within the metadata collection that contains information on the nodes and how they relate to other nodes. The Clean and Dirty states can be considered flags but Chasen teaches they are a state that represents whether the data has changed or not and changed data can be represented in a variety of ways, not just with a flag. Chasen further teaches a build process, as cited by the examiner in the previous rejection, that scans data by a first category (See column 12, lines 34) and then a second category (See line 35) to determine the status of a given piece of information. As the user makes changes to their selections in the display to see audio files, the display will dynamically show metadata associated with the media file and then allow the user to regroup the files by either changing the category or changing the metadata itself, which will create a need to build a new master tree. Hence, the build process. In the broadest sense a dirty or clean state would delimit a node, child node, etc from one another if the information from one node has changed and the other has not because the field would have the changed value within it. As shown above, metadata fields can contain a variety of pieces of information, which can include a value that says dirty. For example, a clearer picture of a delimiter that separates a first property from a second property is shown in Table 2. As the node is traversed in the build process, the node table or database is accessed. Chasen clearly shows category delimiters in Table 2. A forward slash between two values is known in the common art as a delimiter (<http://en.wikipedia.org/wiki/Delimiter>). When taken in consideration with Figure 1, Chasen would have to separate metadata values for the purposes of displaying data in different cells within a table. Without the delimiters that values would be displayed in one cell as one long text string. The program must be able to tell from the metadata how to display it in the GUI. As shown in Table 2, the user has chosen to assign a category of "Always" to artist B where the data in location 2 and 3 are shown as containing the "/" between values. The "/" is a delimiter. Therefore, the system of Chasen traverses a tree and then assigns a delimiter that shows the state of a given node within the tree or a given value within a node. The system then traverses the identified node to determine the changed value and to determine where the propagation of values can relate to. During the identification and propagation values are read and in the values the first property is separated from a second property by a "/", which is a delimiter. Chasen then displays the information based on the user changes and therefore based on the delimited values. The applicant provides similar arguments in discussion claims 6, 7, 12, 13 and 16 and thus the above arguments are incorporated and apply to the 103 rejection as well.